

# Exhibit 54

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
3                   ASHEVILLE DIVISION

4 \_\_\_\_\_  
5 CARYN DEVINS STRICKLAND,      )  
6                   Plaintiff,      )  
7                                  )  
8 -vs-                            ) Case No. 1:20-cv-00066  
9                                  )  
10 UNITED STATES, et al.,      )  
11                   Defendants.    )  
12 \_\_\_\_\_

13  
14                   \*\*\* CONFIDENTIAL \*\*\*

15                   SUBJECT TO PROTECTIVE ORDER  
16                   ECF NO. 183

17  
18                   DEPOSITION OF JAMES N. ISHIDA

19                   9:05 a.m. to 5:47 p.m.

20                   April 13, 2023

21                   Richmond, Virginia

22  
23  
24                   Job No. 49661

25                   REPORTED BY: Julia A. Bammel, RPR, CSR

1       that, you know, the rule had contemplated.

2                   And so reading, you know, it talked about a  
3       human resources manager. I tried to find somebody to  
4       fit that role. But that's not to say that Tony was  
5       incapable of doing that.

6           Q       So what does independent mean under  
7       Chapter IX?

8                   MR. KOLSKY: Object to form.

9       BY MS. SUK GERSEN:

10          Q       You spoke about the importance of having an  
11       independent person. What do you mean by independence?

12          A       Well, so let me back up. So when it  
13       talks -- when Chapter IX talks about an investigation  
14       must be conducted, it doesn't say -- you know, there's  
15       a lot that is not part of how that investigation is  
16       started. Like I said, the only thing I remember from  
17       Chapter IX is talking about a human resources manager.  
18       Somebody like that would be appropriate. And so, you  
19       know, I wanted to get somebody like that.

20          Q       And why would -- in this e-mail it seems  
21       that you are advising Tony to recuse. Am I right in  
22       reading the e-mail?

23          A       I think what I was concerned about was that,  
24       you know, this initiated the process of a report of  
25       wrongful conduct under Chapter IX. Now, I don't know

1 what efforts Tony did to investigate those claims. I  
2 just wanted to make sure that now that we're in  
3 Chapter IX and an investigation is required, I just  
4 wanted to make sure he knew that he could step back,  
5 and we'll appoint a, you know, investigator, a human  
6 resources manager that will now look into what  
7 happened.

8 Q Thank you for explaining those concerns. I  
9 understand.

10 My question is, were you advising Tony to  
11 recuse himself?

12 A No. Well, again, maybe that was the fault  
13 of how I'm using "recuse," but I just -- I just meant  
14 it more in terms of, like, "You just need to step down.  
15 Let the investigator do her work in finding out the  
16 circumstances for the report of wrongful conduct."

17 Q Under Chapter IX, does the unit executive  
18 usually pick the investigator?

19 A Under Chapter IX, that part is silent. It  
20 doesn't say who. It doesn't say how. All it talks  
21 about is once a report of wrongful conduct is made, the  
22 Chief Judge and the unit executive must be modified.

23 It also talks about an investigation must be  
24 done, but it speaks about that in the third party -- in  
25 the third sense, so it doesn't say -- it doesn't

1 do with the investigation. I let Heather dictate how  
2 that would go. So she didn't give me any draft. She  
3 didn't, you know, show me anything.

4 Q We have in the record that you received an  
5 earlier report from Heather Beam --

6 A Uh-huh.

7 Q -- earlier than the one that we reviewed  
8 here --

9 A Uh-huh.

10 Q -- on November 19th.

11 A Uh-huh.

12 Q Was that a draft of Heather Beam's  
13 investigative report?

14 A I think she had submitted to me with the  
15 intent that this was her final report.

16 Q Can you clarify?

17 A So she had given me a copy of the  
18 investigation report that she had completed, and so I  
19 looked at it, and it had a recitation of the events --  
20 a chronology of the events that happened along with a  
21 sizeable set of attachments, and -- but the one thing  
22 that I didn't see in there was her impressions.

23 And we had -- we had a conversation, I  
24 think -- I can't remember when, but Heather mentioned  
25 that in the process of conducting her investigation,

1       she had formed, you know, some views, some opinions,  
2       she had some suggestions, but they weren't included in  
3       the report.

4                   So I said, "Well, I think it would be  
5       helpful to have all of your impressions in the report  
6       because you obviously had interviewed people  
7       face-to-face, and so you would have information that we  
8       would not have." So I -- in essence, what I did was I  
9       asked her to include those impressions and her thoughts  
10      in the report. So she went back and then revised the  
11      report to include those observations and her  
12      recommendations as well.

13                  Q        What do you mean by impressions and  
14      observations?

15                  A        Well, so -- and I'm trying to remember --  
16      the conversation I had with Heather was -- I don't know  
17      if she used those words, but the sense I -- what I was  
18      hearing her to say was she had other thoughts about the  
19      case that were not included in the report, and so I had  
20      asked her, you know, to create a full, complete, and  
21      accurate account of what she found during the course of  
22      her investigation. I had asked her to include those in  
23      the report.

24                  Q        So when you received these e-mails from  
25      JP Davis that we just reviewed, including the one